

### **REMARKS**

The present invention relates to a drying rack 10 for garments. The drying rack 10 includes a cylindrical hub having at least three elongated legs 14 pivotally mounted at an inner end to the hub 12.

As is perhaps best shown in FIGS. 7 and 7A, the inner end of each leg 14 includes a ratchet 24 along at least a portion of the outer periphery of the inner end of each leg 14. An actuator 20 is then axially movable relative to the hub 12 and this actuator 20 includes a gear rack 22 around its outer periphery which meshes with the ratchet 24 formed at the inner end of each leg 14. Consequently, as the actuator 20 is axially displaced relative to the hub 12, the coaction between the actuator gear rack and the ratchets 24 formed at the inner end of legs 14 pivot the legs 14 from their collapsed position, shown in FIG. 7A, to their open position, illustrated in FIG. 7.

In order to enhance the rigidity of the drying rack, a strut 26 is associated with each leg 14. An inner end of each strut 26 is pivotally mounted to the actuator 20 while an outer end 28 of each strut 26 is pivotally secured to an intermediate point of its associated leg 14. Thus when the drying rack is moved to its open position, illustrated in FIG. 7, the struts 26 help rigidify the overall structure for the rack.

Claim 1 now forms the only independent claim in the instant application and has been carefully amended in order to more clearly and distinctly define Applicant's invention over the prior art references of record. In particular, claim 1 has now been amended to more clearly define the ratchet and gear rack actuating mechanism between the actuator and the inner ends of the legs 14. Likewise, claim 1 has been amended to more clearly define the operation of the

struts 26 and specifically that the struts 26 extend between the actuating hub and a midpoint of its associated leg 14.

The Patent Examiner, however, has rejected previously submitted claims 1-5 as anticipated by U.S. Patent Application Publication No. 2004/0134870 to Daubach. Daubach discloses an umbrella-type laundry drying rack which is movable between an open and a closed position. Furthermore, as perhaps best shown in FIG. 5 of Daubach, Daubach also utilizes a ratchet and gear rack operating mechanism for the legs.

Daubach does not disclose, however, Applicant's struts 26 in which an inner end of each strut is pivotally mounted to the actuator while an outer end of each strut is pivotally mounted to its associated leg 14. While Daubach et al. does disclose the use of struts 10 (see, e.g. FIG. 1A), these struts 10 of Daubach et al. do not extend between the actuator and the legs as is now clearly defined in claim 1. Instead, these struts 10 extend between a top cap on the support shaft 1 and a midpoint of the legs 2 of Daubach et al.

Claim 1 now clearly defines the operation of the strut and its pivotal connection between the actuator and the legs 14. As such, claim 1 now clearly defines over the Daubach et al. reference. Furthermore, Applicant's invention provides a much more compact structure for the overall drying rack when the drying rack is in its collapsed position. This compact construction is achieved because the struts 26 are nested within their associated legs 14 as best shown in FIG. 7A.

In view of the foregoing, Applicant respectfully submits that claim 1 patentably defines Applicant's invention over the prior art references of record and is, therefore, allowable.

The Patent Examiner, furthermore, has rejected previously submitted claims 6-7 as unpatentable over Daubach et al. when combined with Breneman. As understood, it is the

Examiner's position that Daubach et al. does not disclose a support arm that is pivotally secured to each leg and nested within the leg whereas Breneman does.

Applicant respectfully submits that the Patent Examiner has misread previously submitted claims 5-7. Claims 5-7 are directed to the support 40 (see FIG. 8) and not the struts 26 which Applicant believes the Patent Examiner has equated with the limitation "support". However, as is clear from page 5, line 19 – page 6, line 11, the supports 40 are nested within recesses at the outer end of the support legs 14 so that the drying rack can be supported on a horizontal surface and stacked upon each other; see, e.g., FIG. 4–FIG. 6 and FIG. 8.

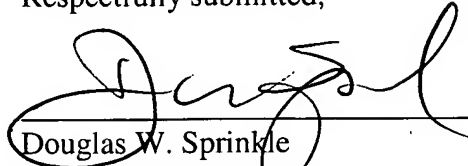
Furthermore, Applicant respectfully submits that this was clear from the claims as originally presented. In particular, claim 5 clearly set forth that the supports were pivotally secured to an outer end of its associated leg. Absolutely nowhere in the patent drawing or disclosure are the struts 26 pivotally secured to an outer end of their associated leg 14. Instead, the pivotal connection between the struts 26 and their associated leg 14 is much closer to the hub than to the outer end of the leg.

None of the prior art references of record disclose Applicant's support legs that are pivotally mounted to the outer end of the legs and nested when in a collapsed position within their associated legs. Therefore, Applicant respectfully submits that claims 5-7 patentably define Applicant's invention over the prior art references of record and are, therefore, allowable.

The Patent Examiner's objection to the drawing and specification has been duly noted and corrected by this amendment. Specifically, FIG. 6 has been amended to clarify the number of the foot as "60" rather than "50" and the specification has been appropriately amended on page 6, lines 8 and 10 to reflect these changes. A new drawing sheet is submitted herewith.

In view of the foregoing, Applicant respectfully submits that this case is now in condition for formal allowance and such action is respectfully solicited.

Respectfully submitted,



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